

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LAYNE DREXEL, :
Plaintiff, : C.A. No.: 05-428 JJF
v. :
HARLEYSVILLE INSURANCE CO. :
Defendant. :
:

DEFENDANT'S REQUEST FOR JURY INSTRUCTIONS

An insurance policy runs for a term. At the end of that term, the insurance company may offer to renew the policy. If the insured accepts the offer to renew then a new policy of insurance is entered into.

The issue for your consideration in this case is whether Harleysville offered the plaintiff the opportunity to purchase ongoing insurance and whether that offer was accepted.

If you find that prior to the expiration of the plaintiff's policy which was in effect from June 8, 2003 to June 8 2004, the defendant Harleysville sent him a premium notice requiring payment by a certain date, and that the payment was not made by the plaintiff, then you should find that the plaintiff failed to accept the insurance company's offer and there is no coverage.

If you find that the plaintiff did send his payment in a timely manner, then he has accepted the insurance company's offer and you should find there is coverage.

CASARINO, CHRISTMAN & SHALK

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